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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

CHUE DOA YANG, individually, and MAI  
THAO YANG, individually,

Plaintiffs,

vs.

COUNTY OF YUBA, a public entity;  
Correctional Sergeant SARBJIT SINGH  
KANDOLA, individually;  
Correctional Sergeant JEFFREY T.  
PALMER, individually; WELLPATH, LLC;  
CHRISTINA BOETS, M.F.T., individually;  
TAYLOR FITHIAN, M.D., individually;  
Nominal Defendant L.Y., a minor, by and

) Case No.: 2:23-cv-00066-TLN-JDP

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) **STIPULATION AND ORDER FOR**  
) **FILING OF FIRST AMENDED**  
) **COMPLAINT AND RELIEVING**  
) **PLAINTIFFS FROM RESPONDING**  
) **TO MOTION TO DISMISS AS**  
) **MOOT (ECF NO. 20)**

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through his to-be-determined guardian ad  
 item, individually and as co-successor in  
 interest to Decedent TONG YANG;  
 Nominal Defendant NATALIE YANG,  
 individually and as co-successor in interest to  
 Decedent TONG YANG;  
 Nominal Defendant NINA YANG,  
 individually and as co-successor in interest to  
 Decedent TONG YANG; Nominal Defendant  
 KACIE YANG, individually and as co-  
 successor in interest to Decedent TONG  
 YANG;  
 Nominal Defendant MIKE YANG,  
 individually and as co-successor in interest to  
 Decedent TONG YANG; Nominal Defendant  
 DYLAN YANG, individually and as co-  
 successor in interest to Decedent TONG  
 YANG;  
 Nominal Defendant DARREN YANG,  
 individually and as co-successor in interest to  
 Decedent TONG YANG; and, DOES 1-50,  
 jointly and severally,  
 Defendants.

Plaintiffs CHUE DOA YANG, individually, and MAI THAO YANG, individually,  
 (“Plaintiffs”), Defendants WELLPATH, LLC, CHRISTINA BOETS, M.F.T., and TAYLOR  
 FITHIAN, M.D. (collectively referred to as the “Wellpath Defendants”), and Defendants COUNTY  
 OF YUBA, SARBJIT SINGH KANDOLA, and JEFFREY T. PALMER, by and through their  
 undersigned counsel of record, hereby represent to the Court and stipulate as follows:

The Parties have fruitfully met and conferred by email and phone regarding perceived  
 pleading deficiencies in the Complaint, among other issues, which may be addressed once  
 Defendants County has produced informal discovery, which it will do once the proposed stipulated  
 protective order for confidential documents has been entered, and once Defendant Wellpath has  
 produced further documents.

To allow time for Plaintiffs’ counsel to review the informal production; to meet and confer  
 further about it and any remaining perceived legal deficiencies in the Complaint; and to draft the  
 First Amended Complaint, the Parties stipulate that, in lieu of responding to the motion to dismiss  
 (ECF No. 20), since the First Amended Complaint will render it moot, the motion is hereby  
 withdrawn and Plaintiffs may have until October 16, 2023, to file a First Amended Complaint.

The Wellpath Defendants shall file their response to Plaintiffs' First Amended Complaint thirty days later. If the Wellpath Defendants elect to file any responsive pleading other than an answer, the following briefing schedule will apply: Plaintiffs shall have thirty days from the filing of the Wellpath Defendants' motion to file an Opposition. The Wellpath Defendants' Reply to Plaintiffs' Opposition shall be due fourteen days after the filing of Plaintiffs' Opposition.

Given that Plaintiffs will file a First Amended Complaint, Plaintiffs need not file an opposition to Defendant's Motion to Dismiss by August 16, 2023. (ECF No. 25).

IT IS SO STIPULATED AND AGREED.

Respectfully Submitted,

DATED: August 16, 2023

LAW OFFICE OF SANJAY S. SCHMIDT  
-and-  
HELM LAW OFFICE, PC

By: /s/ Sanjay S. Schmidt  
Sanjay S. Schmidt  
Attorneys for Plaintiffs

DATED: August 16, 2023

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Lindsey M. Romano\*  
Lindsey M. Romano  
Attorneys for Defendants  
Wellpath, LLC., Christina Boets, M.F.T.,  
and Taylor Fithian, M.D.

DATED: August 16, 2023

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By: /s/ Matthew W. Gross\*  
Carl L. Fessenden  
Matthew W. Gross  
Melissa Yoest  
Attorneys for Defendants  
County Of Yuba, Sergeant Arbjit Singh  
Kandola, and Sergeant Jeffrey T. Palmer

\*Pursuant to Local Rule 131(e), counsel has authorized submission of this document on counsel's behalf.

**ORDER**

GOOD CAUSE APPEARING THEREFOR, and the Parties having stipulated to the same, the Parties' stipulation is hereby APPROVED:

IT IS HEREBY ORDERED that Plaintiffs need not file a response to the motion to dismiss (ECF No. 20) on August 16, 2023, which will be rendered moot by the pending First Amended Complaint.

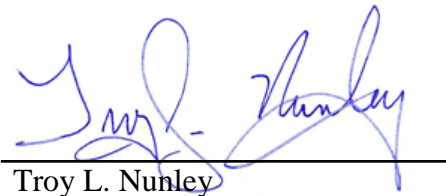
IT IS FURTHER ORDERED that Plaintiffs may have until October 16, 2023, to file a First Amended Complaint.

IT IS FURTHER ORDERED that the Wellpath Defendants shall file their response to Plaintiffs' First Amended Complaint thirty days later.

IT IS FURTHER ORDERED that, if the Wellpath Defendants elect to file any responsive pleading other than an answer, the following briefing schedule will apply: Plaintiffs shall have thirty days from the filing of the Wellpath Defendants' motion to file an Opposition. The Wellpath Defendants' Reply to Plaintiffs' Opposition shall be due fourteen days after the filing of Plaintiffs' Opposition.

**IT IS SO ORDERED.**

DATED: August 17, 2023

  
Troy L. Nunley  
United States District Judge